

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

EDWARD ROOSEVELT WHITTINGTON,

Petitioner,

v.

MARGARET GILBERT,

Respondent.

Case No. C16-1777-RAJ

ORDER TRANSFERRING CASE TO
NINTH CIRCUIT

The Court, having reviewed the Report and Recommendation of the Honorable James P. Donohue, Chief United States Magistrate Judge, any objections thereto, and the remaining record, hereby ORDERS:

(1) The Report and Recommendation is approved and adopted.

(2) Petitioner's federal habeas petition is TRANSFERRED to the Ninth Circuit Court of Appeals as a second or successive petition. Petitioner is advised that this transfer does not of itself constitute compliance with 28 U.S.C. § 2244(b)(3) and Ninth Circuit Rule 22-3. Petitioner must still file a motion for leave to proceed in the Court of Appeals and make the showing required by § 2244(b)(2).

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1 (3) The Clerk is directed to administratively close this case and to transfer all original
2 documents to the Ninth Circuit Court of Appeals. The Clerk shall, however, retain a copy of the
3 petition and of this Order in the file. The Clerk is further directed to send a copy of this Order to
4 petitioner and to the Honorable James P. Donohue.

5 DATED this 5th day of January, 2017.

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9 The Honorable Richard A. Jones
10 United States District Judge
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